



General Assembly

January Session, 2013

Raised Bill No. 6385

LCO No. 3079



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT PROHIBITING THE USE OF PESTICIDES AT PUBLIC SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 As used in sections 10-231b to 10-231d, inclusive, as amended by
4 this act: [and section 19a-79a,]

5 (1) ["pesticide"] "Pesticide" means a fungicide used on plants, an
6 insecticide, a herbicide or a rodenticide, but does not mean a sanitizer,
7 disinfectant, antimicrobial agent or pesticide bait; [,]

8 (2) ["lawn"] "Lawn care pesticide" means a pesticide registered by the
9 United States Environmental Protection Agency and labeled pursuant
10 to the federal Insecticide, Fungicide and Rodenticide Act for use in
11 lawn, garden and ornamental sites or areas; [, and]

12 (3) ["integrated"] "Integrated pest management" means use of all
13 available pest control techniques, [including judicious] excluding the

14 use of pesticides, [when warranted,] to maintain a pest population at
15 or below an acceptable level; [, while decreasing the use of pesticides.]

16 (4) "Emergency pesticide application" means the application of
17 pesticide or lawn care pesticide to eliminate a threat to human health,
18 as determined in accordance with subsection (a) of section 10-231b, as
19 amended by this act;

20 (5) "Policy on emergency pesticide application" means a policy
21 adopted by a local or regional board of education addressing
22 emergency pesticide applications; and

23 (6) "School" means (A) a school, other than a regional agricultural
24 science and technology education center, under the control of a local or
25 regional board of education or a regional educational service center, or
26 (B) a private school.

27 Sec. 2. Section 10-231b of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective July 1, 2013*):

29 (a) No person [, other than a pesticide applicator with supervisory
30 certification under section 22a-54 or a pesticide applicator with
31 operational certification under section 22a-54 under the direct
32 supervision of a supervisory pesticide applicator, may] shall apply
33 pesticide within any building or on the grounds of any public or
34 private school, other than a regional agricultural science and
35 technology education center, except that an emergency application of
36 pesticide may be made to eliminate a threat to human health, as
37 determined by the local health director, the Commissioner of Public
38 Health, the Commissioner of Energy and Environmental Protection or,
39 in the case of a public school, the school superintendent, provided such
40 emergency application is made by a pesticide applicator with
41 supervisory certification under section 22a-54 or a pesticide applicator
42 with operational certification under section 22a-54 under the direct
43 supervision of a supervisory pesticide applicator, unless such threat to
44 human health is immediate and it is impractical to obtain the services

45 of any such applicator provided such emergency application does not
46 involve a restricted use pesticide, as defined in section 22a-47. [This
47 section shall not apply in the case of an emergency application of
48 pesticide to eliminate an immediate threat to human health where it is
49 impractical to obtain the services of any such applicator provided such
50 emergency application does not involve a restricted use pesticide, as
51 defined in section 22a-47.]

52 (b) No person shall apply a lawn care pesticide on the grounds of
53 any [public or private preschool or public or private school with
54 students in grade eight or lower] public or private school, except that
55 [(1) on and after January 1, 2006, until July 1, 2010, an application of a
56 lawn care pesticide may be made at a public or private school with
57 students in grade eight or lower on the playing fields and playgrounds
58 of such school pursuant to an integrated pest management plan, which
59 plan (A) shall be consistent with the model pest control management
60 plan developed by the Commissioner of Energy and Environmental
61 Protection pursuant to section 22a-66l, and (B) may be developed by a
62 local or regional board of education for all public schools under its
63 control, and (2)] an emergency application of a lawn care pesticide
64 may be made to eliminate a threat to human health, as determined by
65 the local health director, the Commissioner of Public Health, the
66 Commissioner of Energy and Environmental Protection or, in the case
67 of a public school, the school superintendent.

68 (c) On and after July 1, 2013, no emergency pesticide application
69 shall be made in any building or on the grounds of any school during
70 regular school hours or during planned activities at any school, except
71 that an emergency pesticide application may be made to eliminate an
72 immediate threat to human health if (1) it is necessary to make the
73 application during such a period, and (2) such emergency pesticide
74 application does not involve a restricted use pesticide, as defined in
75 section 22a-47. No child may enter an area where such emergency
76 pesticide application has been made until it is safe to do so according
77 to the provisions on the pesticide label.

78 (d) On and after July 1, 2013, a local or regional board of education
79 may make an emergency pesticide application without prior notice
80 pursuant to section 10-231c, as amended by this act, in the event of an
81 immediate threat to human health, provided the board provides for
82 notice, by any means practicable, on or before the day that such
83 emergency pesticide application is to take place to any person who has
84 requested such prior notice.

85 (e) A copy of the record of each emergency pesticide application at a
86 school shall be maintained at the school for a period of five years. Such
87 record shall include the information required under section 22a-66a.

88 Sec. 3. Section 10-231c of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective July 1, 2013*):

90 [(a) As used in this section, "local or regional board of education"
91 means a local or regional board of education that does not have an
92 integrated pest management plan for the schools under its control that
93 is consistent with an applicable model plan provided by the
94 Commissioner of Energy and Environmental Protection under section
95 22a-66l and "school" means a school, other than a regional agricultural
96 science and technology education center, under the control of a local or
97 regional board of education.]

98 [(b)] (a) On and after July 1, [2000] 2013, at the beginning of each
99 school year, each local or regional board of education shall provide the
100 staff of each school and the parents or guardians of each child enrolled
101 in each school with a written statement of the board's policy on
102 emergency pesticide application on school property and a description
103 of any emergency pesticide applications made at the school during the
104 previous school year. Such statement and description shall be
105 provided to the parents or guardian of any child who transfers to a
106 school during the school year. Such statement shall (1) indicate that the
107 staff, parents or guardians may register for prior notice of emergency
108 pesticide applications at the school, and (2) describe the emergency

109 notification procedures provided for in this section. Notice of any
110 modification to the policy on emergency pesticide application [policy]
111 shall be sent to any person who registers for notice under this section.

112 [(c) On] (b) Except as provided in subsection (d) of section 10-231b,
113 as amended by this act, and after July 1, [2000] 2013, parents or
114 guardians of children in any school and school staff may register for
115 prior notice of emergency pesticide application at their school. Each
116 school shall maintain a registry of persons requesting such notice.
117 Prior to providing for any emergency pesticide application [of
118 pesticide] within any building or on the grounds of any school, the
119 local or regional board of education shall provide for the mailing of
120 notice to parents and guardians who have registered for prior notice
121 under this section such that the notice is received no later than twenty-
122 four hours prior to such emergency pesticide application. Notice shall
123 be given by any means practicable to school staff who have registered
124 for such notice. Notice under this subsection shall include (1) the name
125 of the active ingredient of the pesticide or lawn care pesticide being
126 applied, (2) the target pest, (3) the location of the emergency pesticide
127 application on the school property, (4) the date of the emergency
128 pesticide application, and (5) the name of the school administrator, or a
129 designee, who may be contacted for further information.

130 [(d) On and after July 1, 2000, no application of pesticide may be
131 made in any building or on the grounds of any school during regular
132 school hours or during planned activities at any school except that an
133 emergency application may be made to eliminate an immediate threat
134 to human health if (1) it is necessary to make the application during
135 such a period, and (2) such emergency application does not involve a
136 restricted use pesticide, as defined in section 22a-47. No child may
137 enter an area where such application has been made until it is safe to
138 do so according to the provisions on the pesticide label.

139 (e) On and after July 1, 2000, a local or regional board of education
140 may make an emergency application of pesticide without prior notice

141 under this section in the event of an immediate threat to human health
142 provided the board provides for notice, by any means practicable, on
143 or before the day that the application is to take place to any person
144 who has requested prior notice under this section.

145 (f) A copy of the record of each pesticide application at a school
146 shall be maintained at the school for a period of five years. Such record
147 shall include the information required under section 22a-66a.]

148 Sec. 4. Section 10-231d of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective July 1, 2013*):

150 [(a) As used in this section, "local or regional board of education"
151 means a local or regional board of education which has an integrated
152 pest management plan for the schools under its control that is
153 consistent with an applicable model plan provided by the
154 Commissioner of Energy and Environmental Protection under section
155 22a-66l and "school" means a school, other than a regional agricultural
156 science and technology education center, under the control of a local or
157 regional board of education.]

158 (a) On and after July 1, 2013, each local and regional board of
159 education shall develop and implement an integrated pest
160 management plan for the schools under its control that is consistent
161 with an applicable model plan provided by the Commissioner of
162 Energy and Environmental Protection under section 22a-66l.

163 (b) On and after July 1, [2000] 2013, at the beginning of each school
164 year, each local or regional board of education shall provide the staff of
165 each school with written guidelines on how the integrated pest
166 management plan is to be implemented and shall provide the parents
167 or guardians of each child enrolled in each school with a statement that
168 shall include a summary of the integrated pest management plan for
169 the school. Such statement shall be provided to the parents or guardian
170 of any child who transfers to a school during the school year. [Such
171 statement shall (1) indicate that the staff, parents or guardians may

172 register for notice of pesticide applications at the school, and (2)
173 describe the emergency notification procedures provided for in this
174 section. Notice of any modification to the integrated pest management
175 plan shall be sent to any person who registers for notice under this
176 section.]

177 [(c) On and after July 1, 2000, parents or guardians of children in
178 any school and school staff may register for notice of pesticide
179 application at their school. Each school shall maintain a registry of
180 persons requesting such notice. Notice under this subsection shall
181 include (1) the name of the active ingredient of the pesticide being
182 applied, (2) the location of the application on the school property, (3)
183 the date of the application, and (4) the name of the school
184 administrator, or a designee, who may be contacted for further
185 information.

186 (d) On and after July 1, 2000, a local or regional board of education
187 shall provide notice, by any means practicable, to any person who has
188 requested notice under this section on or before the day that any
189 application of pesticide is to take place at a school. No application of
190 pesticide may be made in any building or on the grounds of any school
191 during regular school hours or during planned activities at any school
192 except that an emergency application may be made to eliminate an
193 immediate threat to human health if (1) it is necessary to make the
194 application during such a period and (2) such emergency application
195 does not involve a restricted use pesticide, as defined in section 22a-47.
196 No child may enter an area of such application until it is safe to do so
197 according to the provisions on the pesticide label.

198 (e) A copy of the record of each pesticide application at a school
199 shall be maintained at the school for a period of five years. Such record
200 shall include the information required under section 22a-66a.]

201 Sec. 5. Subsection (d) of section 10-220 of the general statutes is
202 repealed and the following is substituted in lieu thereof (*Effective July*

203 1, 2013):

204 (d) Prior to January 1, 2008, and every five years thereafter, for
205 every school building that is or has been constructed, extended,
206 renovated or replaced on or after January 1, 2003, a local or regional
207 board of education shall provide for a uniform inspection and
208 evaluation program of the indoor air quality within such buildings,
209 such as the Environmental Protection Agency's Indoor Air Quality
210 Tools for Schools Program. The inspection and evaluation program
211 shall include, but not be limited to, a review, inspection or evaluation
212 of the following: (1) The heating, ventilation and air conditioning
213 systems; (2) radon levels in the air; (3) potential for exposure to
214 microbiological airborne particles, including, but not limited to, fungi,
215 mold and bacteria; (4) chemical compounds of concern to indoor air
216 quality including, but not limited to, volatile organic compounds; (5)
217 the degree of pest infestation, including, but not limited to, insects and
218 rodents; (6) [the degree of pesticide usage] the integrated pest
219 management plan, as described in section 10-231d, as amended by this
220 act, and the policy on emergency pesticide application, as defined in
221 section 10-231a, as amended by this act, including the number of such
222 emergency pesticide applications during the previous five years; (7)
223 the presence of and the plans for removal of any hazardous substances
224 that are contained on the list prepared pursuant to Section 302 of the
225 federal Emergency Planning and Community Right-to-Know Act, 42
226 USC 9601 et seq.; (8) ventilation systems; (9) plumbing, including
227 water distribution systems, drainage systems and fixtures; (10)
228 moisture incursion; (11) the overall cleanliness of the facilities; (12)
229 building structural elements, including, but not limited to, roofing,
230 basements or slabs; (13) the use of space, particularly areas that were
231 designed to be unoccupied; and (14) the provision of indoor air quality
232 maintenance training for building staff. Local and regional boards of
233 education conducting evaluations pursuant to this subsection shall
234 make available for public inspection the results of the inspection and
235 evaluation at a regularly scheduled board of education meeting and on

236 the board's or each individual school's web site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	10-231a
Sec. 2	<i>July 1, 2013</i>	10-231b
Sec. 3	<i>July 1, 2013</i>	10-231c
Sec. 4	<i>July 1, 2013</i>	10-231d
Sec. 5	<i>July 1, 2013</i>	10-220(d)

Statement of Purpose:

To prohibit the use of pesticides at public and private schools.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]